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REMARKS

Status of claims -

With entry of the present amendment, claims 1 and 3 - 23 are pending. Claims 1, 3, 4, 5, 6, 7, 8 and 9 have been amended, claim 2 has been cancelled and claims 10 - 23 are new. Applicants submit new matter has not been introduced by the instant amendment.

Claims 1, 6 and 17 are pending independent claims.

Independent claim 1 has been amended to recite that application of the browning composition is to a foodstuff and that the browning agent comprises a sugar acid having at least two carbonyl groups. Claims 3 - 5 and new claims 10 - 14 depend from claim 1. New claims 10 - 13 further define the sugar acid. Claim 10 is directed to a hexose sugar acid substituted compound having between two and four carbonyl groups. Claim 11 is directed to gluconic acid derivatives of a hexose sugar acid. Claim 12 is directed to specific gluconic acid derivatives. Claim 13 is directed to a sugar acid having three carbonyl groups. Applicants contend support for the new claims is found at page 6, lines 9 - 12, page 7, line 30 through page 8, line 32, and in the examples of the published PCT application. Claim 14 further defines the amino acids as having a basic side chain and reference is made to page 11, lines 7 - 8.

Claims 6, 7, 8 and 9 have been amended to conform the spelling of "food stuff" to foodstuff.

Independent claim 6 has also been amended to recite that the browning composition includes a sugar acid as the browning agent. New claims 15 - 16, which depend from claim 6 further define the amine source.

New Independent claim 17 is directed to a browning composition for application to a foodstuff comprising 2,5-diketo-gluconic acid as the browning agent and an amine source. Claims 18 - 23 depend from claim 17. Claim 18 further defines the amine source as an amino acid. Claims 19 - 20 are directed to different classes of foodstuff and support is found at page 5 - 6 of the published PCT application.

Claim Rejections and Objections -

The Examiner has rejected claims 1, 2 and 4 - 9 under 35 U.S.C. §102(b) as being anticipated by Kang (USP 4,985,261); claims 1, 2 and 4 - 9 under 35 U.S.C. §102(b) as being anticipated by Haynes (USP 5,089,278); and claims 1, 2 and 4 - 9 under 35 U.S.C.

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§102(b) as being anticipated by Kang (USP 5,059,434). Applicants respectfully traverse said rejections.

The Examiner indicated in the Office Action that claim 3 was objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New independent claim 17 incorporates the elements of original claims 1, 2 and 3. Applicants submit this claim, and those claims dependent thereon are in condition for allowance.

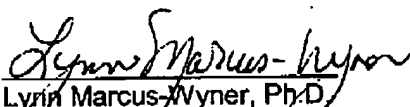
It is well established that for a reference to be a patent defeating reference under 35 U.S.C. §102(b), the prior art reference must contain all of the elements of the claimed invention, and that the missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference.

While the three cited patents, USP 4,985,261, USP 5,089,278 and USP 5,059,434 may be related to browning compositions there is no teaching in the patents of a sugar acid having at least two carbonyl groups as a browning agent. Applicants contend the rejections under 35 U.S.C. §102(b) should be withdrawn.

Applicants respectfully submit that the pending claims are in condition for allowance. Allowance of the application is kindly requested. If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 846-7620.

Respectfully submitted,

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